

AMENDED IN SENATE SEPTEMBER 4, 2015

AMENDED IN SENATE AUGUST 31, 2015

AMENDED IN SENATE JULY 14, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 232**

---

---

**Introduced by Assembly Member ~~Mark Stone~~ Obernolte**  
(Principal coauthor: Senator Fuller)

February 4, 2015

---

---

An act to ~~add Section 21204 to the Business and Professions Code, to repeal Section 7873 of the Labor Code, and to amend Section 25354 of, and to add Sections 25355, 25359, 25360, 25361, and 25367 to, the Public Resources Code, relating to energy resources, making an appropriation therefor, amend Section 130060 of the Health and Safety Code, relating to health facilities, and declaring the urgency thereof, to take effect immediately.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 232, as amended, ~~Mark Stone~~ Obernolte. ~~Petroleum: information reports: turnarounds and shutdowns.~~ *Hospitals: seismic safety.*

Existing law, the Alfred E. Alquist Hospital Facilities Seismic Safety Act of 1983, establishes, under the jurisdiction of the Office of Statewide Health Planning and Development, a program of seismic safety building standards for certain hospitals constructed on and after March 7, 1973.

Existing law provides that, after January 1, 2008, a general acute care hospital building that is determined to be a potential risk of collapse or to pose significant loss of life in the event of seismic activity be used only for nonacute care hospital purposes, except that the office may grant a 5-year extension under prescribed circumstances. Existing

law also allows the office to grant an additional 2-year extension in specified circumstances.

*This bill would authorize a critical access hospital located in the City of Tehachapi to submit a seismic safety extension application, notwithstanding specified deadlines that are earlier than the effective date of this bill, and would require the application to include a timetable, as specified.*

*This bill would make legislative findings and declarations as to the necessity of a special statute for the City of Tehachapi.*

*This bill would declare that it is to take effect immediately as an urgency statute.*

~~(1) Existing law, the Petroleum Industry Information Reporting Act of 1980, requires refiners, among others, to provide periodic reports to the State Energy Resources Conservation and Development Commission containing designated information regarding petroleum supplies and price, including monthly California weighted average prices and sales volumes for specified motor fuels and oils, as specified. Existing law authorizes any person required to submit this information to request that specific information be held in confidence. The act requires the commission to gather, analyze, and interpret the reported information related to the supply and price of petroleum products and to publish at the end of each preceding quarter a summary, analysis, and interpretation of that information.~~

~~This bill would instead require each refiner to report monthly to the commission daily prices and sales volumes at all locations in California for those specified motor fuels and oils and also the occurrence of all turnarounds, as defined, and all unplanned shutdowns, as specified. This information would not be subject to confidentiality provisions and would be subject to public disclosure within 24 hours of receipt by the commission.~~

~~The bill would require a refiner, on or before January 1, 2017, and annually thereafter, to submit information to the commission regarding planned turnarounds for all refinery process units and plants for the following calendar year. On the date of a planned turnaround, the bill would require the commission to verify that a refiner has the amount of gasoline inventory that was previously reported to the commission and to report any discrepancy to the Attorney General and the Legislature. The bill would require a refiner to report to the commission within 24 hours of any undisclosed turnaround or unplanned shutdown and would require this report to contain specified information and be~~

~~signed under penalty of perjury by an officer or director of the entity that owns the refinery. The bill would also require a refiner to report to the commission its quarterly profits from operations and the amount of annual taxes paid, as provided. The bill would require each refiner and major marketer, as defined, to report to the commission within 24 hours regarding purchases, sales, or exchanges of petroleum products measuring 2,500 barrels or more, as specified. The information submitted pursuant to these provisions would be subject to public disclosure within 24 hours of receipt by the commission.~~

~~This bill would require the commission to publish on its Internet Web site specified information reported by a refiner, including the information described above, and aggregated information on gasoline exports, as specified. The bill would authorize the commission to charge refiners a reasonable fee to cover certain of the commission's costs under the bill, to be deposited into the Energy Resources Programs Account and continuously appropriated to the commission for those purposes.~~

~~Commencing on January 1, 2017, this bill would require every refiner to submit an annual inventory supply plan to the commission for review and approval. The bill would authorize the commission to require a refiner to revise its inventory supply plan or maintenance schedule in certain circumstances. The bill would require this inventory supply plan to be signed under penalty of perjury by an officer or director of the entity that owns the refinery. The bill would require the commission to impose an administrative fine, as provided, on a refiner that fails to submit and obtain approval of an inventory supply plan, fails to revise an inventory supply plan as directed by the commission, or fails to follow its approved plan. The information submitted pursuant to these provisions would be subject to public disclosure within 24 hours of receipt by the commission.~~

~~Because the bill would expand the crime of perjury, it would impose a state-mandated local program.~~

~~(2) Existing law makes it unlawful for certain refiners, distributors, manufacturers, and transporters of motor vehicle fuels or oils engaged in business in this state, either directly or indirectly, to engage in price discrimination, as specified. Existing law authorizes any person injured by a violation of these provisions to bring an action to recover treble damages and attorney's fees.~~

~~This bill would, in addition, make it unlawful for any refiner, distributor, manufacturer, or transporter of motor vehicle fuels or oils~~

~~engaged in business in this state, either directly or indirectly, to knowingly engage in any act, practice, or course of business, to distort or attempt to distort, the market conditions of any motor vehicle fuels or oils, or to intentionally fail to state a material fact that distorts or is likely to distort those market conditions at a time of heightened demand. In addition to any award of damages, the bill would require a violation of these provisions to be punished by disgorgement of all moneys, property, and any proceeds derived directly or indirectly from the prohibited conduct, which would be paid by order of the court to the state and deposited into the General Fund.~~

~~(3) Existing law requires every petroleum refinery employer to, every September 15, submit to the Division of Occupational Safety and Health a full schedule for the following calendar year of planned turnarounds, as defined.~~

~~Existing law, except as specified, prohibits the division from releasing to the public any information submitted to the division pursuant to these provisions that is designated as a trade secret, as defined. Existing law requires the division to notify a petroleum refinery employer in writing of a request for the release of information to the public that includes information that the petroleum refinery employer has notified the division is a trade secret, as provided. Existing law authorizes an employer to seek a court order prohibiting public disclosure. Existing law establishes misdemeanor penalties for knowingly and willfully disclosing these trade secrets.~~

~~This bill would repeal the latter provisions dealing with trade secrets.~~

~~(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that no reimbursement is required by this act for a specified reason.~~

~~(5) This bill would declare that it is to take effect immediately as an urgency statute.~~

Vote:  $\frac{2}{3}$ . Appropriation: ~~yes~~-no. Fiscal committee: yes.  
State-mandated local program: ~~yes~~-no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 130060 of the Health and Safety Code is  
2     amended to read:

1 130060. (a) (1) After January 1, 2008, ~~any~~ a general acute  
2 care hospital building that is determined to be a potential risk of  
3 collapse or pose significant loss of life shall only be used for  
4 nonacute care hospital purposes, unless an extension of this  
5 deadline has been granted and either of the following occurs before  
6 the end of the extension:

7 (A) A replacement building has been constructed and a  
8 certificate of occupancy has been granted by the office for the  
9 replacement building.

10 (B) A retrofit has been performed on the building and a  
11 construction final has been obtained by the office.

12 (2) An extension of the deadline may be granted by the office  
13 upon a demonstration by the owner that compliance will result in  
14 a loss of health care capacity that may not be provided by other  
15 general acute care hospitals within a reasonable proximity. In its  
16 request for an extension of the deadline, a hospital shall state why  
17 the hospital is unable to comply with the January 1, 2008, deadline  
18 requirement.

19 (3) Prior to granting an extension of the January 1, 2008,  
20 deadline pursuant to this section, the office shall do all of the  
21 following:

22 (A) Provide public notice of a hospital's request for an extension  
23 of the deadline. The notice, at a minimum, shall be posted on the  
24 office's Internet Web site, and shall include the facility's name  
25 and identification number, the status of the request, and the  
26 beginning and ending dates of the comment period, and shall advise  
27 the public of the opportunity to submit public comments pursuant  
28 to subparagraph (C). The office shall also provide notice of all  
29 requests for the deadline extension directly to interested parties  
30 upon request of the interested parties.

31 (B) Provide copies of extension requests to interested parties  
32 within 10 working days to allow interested parties to review and  
33 provide comment within the 45-day comment period. The copies  
34 shall include those records that are available to the public pursuant  
35 to the California Public Records Act (Chapter 3.5 (commencing  
36 with Section 6250) of Division 7 of Title 1 of the Government  
37 Code).

38 (C) Allow the public to submit written comments on the  
39 extension proposal for a period of not less than 45 days from the  
40 date of the public notice.

(b) (1) It is the intent of the Legislature, in enacting this subdivision, to facilitate the process of having more hospital buildings in substantial compliance with this chapter and to take nonconforming general acute care hospital inpatient buildings out of service more quickly.

(2) The functional contiguous grouping of hospital buildings of a general acute care hospital, each of which provides, as the primary source, one or more of the hospital's eight basic services as specified in subdivision (a) of Section 1250, may receive a five-year extension of the January 1, 2008, deadline specified in subdivision (a) of this section pursuant to this subdivision for both structural and nonstructural requirements. A functional contiguous grouping refers to buildings containing one or more basic hospital services that are either attached or connected in a way that is acceptable to the State Department of Health Care Services. These buildings may be either on the existing site or a new site.

(3) To receive the five-year extension, a single building containing all of the basic services or at least one building within the contiguous grouping of hospital buildings shall have obtained a building permit prior to 1973 and this building shall be evaluated and classified as a nonconforming, Structural Performance Category-1 (SPC-1) building. The classification shall be submitted to and accepted by the Office of Statewide Health Planning and Development. The identified hospital building shall be exempt from the requirement in subdivision (a) until January 1, 2013, if the hospital agrees that the basic service or services that were provided in that building shall be provided, on or before January 1, 2013, as follows:

(A) Moved into an existing conforming Structural Performance Category-3 (SPC-3), Structural Performance Category-4 (SPC-4), or Structural Performance Category-5 (SPC-5) and Non-Structural Performance Category-4 (NPC-4) or Non-Structural Performance Category-5 (NPC-5) building.

(B) Relocated to a newly built compliant SPC-5 and NPC-4 or NPC-5 building.

(C) Continued in the building if the building is retrofitted to a SPC-5 and NPC-4 or NPC-5 building.

(4) A five-year extension is also provided to a post-1973 building if the hospital owner informs the Office of Statewide Health Planning and Development that the building is classified

1 as SPC-1, SPC-3, or SPC-4 and will be closed to general acute  
2 care inpatient service use by January 1, 2013. The basic services  
3 in the building shall be relocated into a SPC-5 and NPC-4 or NPC-5  
4 building by January 1, 2013.

5 (5) SPC-1 buildings, other than the building identified in  
6 paragraph (3) or (4), in the contiguous grouping of hospital  
7 buildings shall also be exempt from the requirement in subdivision  
8 (a) until January 1, 2013. However, on or before January 1, 2013,  
9 at a minimum, each of these buildings shall be retrofitted to a  
10 SPC-2 and NPC-3 building, or no longer be used for general acute  
11 care hospital inpatient services.

12 (c) On or before March 1, 2001, the office shall establish a  
13 schedule of interim work progress deadlines that hospitals shall  
14 be required to meet to be eligible for the extension specified in  
15 subdivision (b). To receive this extension, the hospital building or  
16 buildings shall meet the year 2002 nonstructural requirements.

17 (d) A hospital building that is eligible for an extension pursuant  
18 to this section shall meet the January 1, 2030, nonstructural and  
19 structural deadline requirements if the building is to be used for  
20 general acute care inpatient services after January 1, 2030.

21 (e) Upon compliance with subdivision (b), the hospital shall be  
22 issued a written notice of compliance by the office. The office  
23 shall send a written notice of violation to hospital owners that fail  
24 to comply with this section. The office shall make copies of these  
25 notices available on its Internet Web site.

26 (f) (1) A hospital that has received an extension of the January  
27 1, 2008, deadline pursuant to subdivision (a) or (b) may request  
28 an additional extension of up to two years for a hospital building  
29 that it owns or operates and that meets the criteria specified in  
30 paragraph (2), (3), or (5).

31 (2) The office may grant the additional extension if the hospital  
32 building subject to the extension meets all of the following criteria:

33 (A) The hospital building is under construction at the time of  
34 the request for extension under this subdivision and the purpose  
35 of the construction is to meet the requirements of subdivision (a)  
36 to allow the use of the building as a general acute care hospital  
37 building after the extension deadline granted by the office pursuant  
38 to subdivision (a) or (b).

39 (B) The hospital building plans were submitted to the office  
40 and were deemed ready for review by the office at least four years

1 prior to the applicable deadline for the building. The hospital shall  
2 indicate, upon submission of its plans, the SPC-1 building or  
3 buildings that will be retrofitted or replaced to meet the  
4 requirements of this section as a result of the project.

5 (C) The hospital received a building permit for the construction  
6 described in subparagraph (A) at least two years prior to the  
7 applicable deadline for the building.

8 (D) The hospital submitted a construction timeline at least two  
9 years prior to the applicable deadline for the building demonstrating  
10 the hospital's intent to meet the applicable deadline. The timeline  
11 shall include all of the following:

12 (i) The projected construction start date.

13 (ii) The projected construction completion date.

14 (iii) Identification of the contractor.

15 (E) The hospital is making reasonable progress toward meeting  
16 the timeline set forth in subparagraph (D), but factors beyond the  
17 hospital's control make it impossible for the hospital to meet the  
18 deadline.

19 (3) The office may grant the additional extension if the hospital  
20 building subject to the extension meets all of the following criteria:

21 (A) The hospital building is owned by a health care district that  
22 has, as owner, received the extension of the January 1, 2008,  
23 deadline, but where the hospital is operated by an unaffiliated  
24 third-party lessee pursuant to a facility lease that extends at least  
25 through December 31, 2009. The district shall file a declaration  
26 with the office with a request for an extension stating that, as of  
27 the date of the filing, the district has lacked, and continues to lack,  
28 unrestricted access to the subject hospital building for seismic  
29 planning purposes during the term of the lease, and that the district  
30 is under contract with the county to maintain hospital services  
31 when the hospital comes under district control. The office shall  
32 not grant the extension if an unaffiliated third-party lessee will  
33 operate the hospital beyond December 31, 2010.

34 (B) The hospital building plans were submitted to the office  
35 and were deemed ready for review by the office at least four years  
36 prior to the applicable deadline for the building. The hospital shall  
37 indicate, upon submission of its plans, the SPC-1 building or  
38 buildings that will be retrofitted or replaced to meet the  
39 requirements of this section as a result of the project.



1 (C) The hospital received a building permit for the construction  
2 described in subparagraph (B) by December 31, 2011.

3 (D) The hospital submitted, by December 31, 2011, a  
4 construction timeline for the building demonstrating the hospital's  
5 intent and ability to meet the deadline of December 31, 2014. The  
6 timeline shall include all of the following:

7 (i) The projected construction start date.

8 (ii) The projected construction completion date.

9 (iii) Identification of the contractor.

10 (E) The hospital building is under construction at the time of  
11 the request for the extension, the purpose of the construction is to  
12 meet the requirements of subdivision (a) to allow the use of the  
13 building as a general acute care hospital building after the extension  
14 deadline granted by the office pursuant to subdivision (a) or (b),  
15 and the hospital is making reasonable progress toward meeting  
16 the timeline set forth in subparagraph (D).

17 (F) The hospital granted an extension pursuant to this paragraph  
18 shall submit an additional status report to the office, equivalent to  
19 that required by subdivision (c) of Section 130061, no later than  
20 June 30, 2013.

21 (4) An extension granted pursuant to paragraph (3) shall be  
22 applicable only to the health care district applicant and its affiliated  
23 hospital while the hospital is operated by the district or an entity  
24 under the control of the district.

25 (5) The office may grant the additional extension if the hospital  
26 building subject to the extension meets all of the following criteria:

27 (A) The hospital owner submitted to the office, prior to June  
28 30, 2009, a request for review using current computer modeling  
29 utilized by the office and based upon software developed by the  
30 Federal Emergency Management Agency (FEMA), referred to as  
31 Hazards US, and the building was deemed SPC-1 after that review.

32 (B) The hospital building plans for the building are submitted  
33 to the office and deemed ready for review by the office prior to  
34 July 1, 2010. The hospital shall indicate, upon submission of its  
35 plans, the SPC-1 building or buildings that shall be retrofitted or  
36 replaced to meet the requirements of this section as a result of the  
37 project.

38 (C) The hospital receives a building permit from the office for  
39 the construction described in subparagraph (B) prior to January 1,  
40 2012.

1 (D) The hospital submits, prior to January 1, 2012, a  
2 construction timeline for the building demonstrating the hospital's  
3 intent and ability to meet the applicable deadline. The timeline  
4 shall include all of the following:

- 5 (i) The projected construction start date.
- 6 (ii) The projected construction completion date.
- 7 (iii) Identification of the contractor.

8 (E) The hospital building is under construction at the time of  
9 the request for the extension, the purpose of the construction is to  
10 meet the requirements of subdivision (a) to allow the use of the  
11 building as a general acute care hospital building after the extension  
12 deadline granted by the office pursuant to subdivision (a) or (b),  
13 and the hospital is making reasonable progress toward meeting  
14 the timeline set forth in subparagraph (D).

15 (F) The hospital owner completes construction such that the  
16 hospital meets all criteria to enable the office to issue a certificate  
17 of occupancy by the applicable deadline for the building.

18 (6) A hospital located in the County of Sacramento, San Mateo,  
19 or Santa Barbara or the City of San Jose or the City of Willits that  
20 has received an additional extension pursuant to paragraph (2) or  
21 (5) may request an additional extension until September 1, 2015,  
22 to obtain either a certificate of occupancy from the office for a  
23 replacement building, or a construction final from the office for a  
24 building on which a retrofit has been performed.

25 (7) A hospital denied an extension pursuant to this subdivision  
26 may appeal the denial to the Hospital Building Safety Board.

27 (8) The office may revoke an extension granted pursuant to this  
28 subdivision for any hospital building where the work of  
29 construction is abandoned or suspended for a period of at least one  
30 year, unless the hospital demonstrates in a public document that  
31 the abandonment or suspension was caused by factors beyond its  
32 control.

33 (g) (1) Notwithstanding subdivisions (a), (b), (c), and (f), and  
34 Sections 130061.5 and 130064, a hospital that has received an  
35 extension of the January 1, 2008, deadline pursuant to subdivision  
36 (a) or (b) also may request an additional extension of up to seven  
37 years for a hospital building that it owns or operates. The office  
38 may grant the extension subject to the hospital meeting the  
39 milestones set forth in paragraph (2).

1 (2) The hospital building subject to the extension shall meet all  
2 of the following milestones, unless the hospital building is  
3 reclassified as SPC-2 or higher as a result of its Hazards US score:

4 (A) The hospital owner submits to the office, no later than  
5 September 30, 2012, a letter of intent stating whether it intends to  
6 rebuild, replace, or retrofit the building, or remove all general acute  
7 care beds and services from the building, and the amount of time  
8 necessary to complete the construction.

9 (B) The hospital owner submits to the office, no later than  
10 September 30, 2012, a schedule detailing why the requested  
11 extension is necessary, and specifically how the hospital intends  
12 to meet the requested deadline.

13 (C) The hospital owner submits to the office, no later than  
14 September 30, 2012, an application ready for review seeking  
15 structural reassessment of each of its SPC-1 buildings using current  
16 computer modeling based upon software developed by FEMA,  
17 referred to as Hazards US.

18 (D) The hospital owner submits to the office, no later than  
19 January 1, 2015, plans ready for review consistent with the letter  
20 of intent submitted pursuant to subparagraph (A) and the schedule  
21 submitted pursuant to subparagraph (B).

22 (E) The hospital owner submits a financial report to the office  
23 at the time the plans are submitted pursuant to subparagraph (D).  
24 The report shall demonstrate the hospital owner's financial capacity  
25 to implement the construction plans submitted pursuant to  
26 subparagraph (D).

27 (F) The hospital owner receives a building permit consistent  
28 with the letter of intent submitted pursuant to subparagraph (A)  
29 and the schedule submitted pursuant to subparagraph (B), no later  
30 than July 1, 2018.

31 (3) To evaluate public safety and determine whether to grant  
32 an extension of the deadline, the office shall consider the structural  
33 integrity of the hospital's SPC-1 buildings based on its Hazards  
34 US scores, community access to essential hospital services, and  
35 the hospital owner's financial capacity to meet the deadline as  
36 determined by either a bond rating of BBB or below or the financial  
37 report on the hospital owner's financial capacity submitted pursuant  
38 to subparagraph (E) of paragraph (2). The criteria contained in this  
39 paragraph shall be considered by the office in its determination of

1 the length of an extension or whether an extension should be  
2 granted.

3 (4) The extension or subsequent adjustments granted pursuant  
4 to this subdivision may not exceed the amount of time that is  
5 reasonably necessary to complete the construction specified in  
6 paragraph (2).

7 (5) If the circumstances underlying the request for extension  
8 submitted to the office pursuant to paragraph (2) change, the  
9 hospital owner shall notify the office as soon as practicable, but  
10 in no event later than six months after the hospital owner  
11 discovered the change of circumstances. The office may adjust the  
12 length of the extension granted pursuant to paragraphs (2) and (3)  
13 as necessary, but in no event longer than the period specified in  
14 paragraph (1).

15 (6) A hospital denied an extension pursuant to this subdivision  
16 may appeal the denial to the Hospital Building Safety Board.

17 (7) The office may revoke an extension granted pursuant to this  
18 subdivision for any hospital building when it is determined that  
19 any information submitted pursuant to this section was falsified,  
20 or if the hospital failed to meet a milestone set forth in paragraph  
21 (2), or where the work of construction is abandoned or suspended  
22 for a period of at least six months, unless the hospital demonstrates  
23 in a publicly available document that the abandonment or  
24 suspension was caused by factors beyond its control.

25 (8) Regulatory submissions made by the office to the California  
26 Building Standards Commission to implement this section shall  
27 be deemed to be emergency regulations and shall be adopted as  
28 emergency regulations.

29 (9) The hospital owner that applies for an extension pursuant  
30 to this subdivision shall pay the office an additional fee, to be  
31 determined by the office, sufficient to cover the additional  
32 reasonable costs incurred by the office for maintaining the  
33 additional reporting requirements established under this section,  
34 including, but not limited to, the costs of reviewing and verifying  
35 the extension documentation submitted pursuant to this subdivision.  
36 This additional fee shall not include any cost for review of the  
37 plans or other duties related to receiving a building or occupancy  
38 permit.

39 (10) This subdivision shall become operative on the date that  
40 the State Department of Health Care Services receives all necessary

1 federal approvals for a 2011–12 fiscal year hospital quality  
2 assurance fee program that includes three hundred twenty million  
3 dollars (\$320,000,000) in fee revenue to pay for health care  
4 coverage for children, which is made available as a result of the  
5 legislative enactment of a 2011–12 fiscal year hospital quality  
6 assurance fee program.

7 *(h) A critical access hospital located in the City of Tehachapi*  
8 *may submit a seismic safety extension application pursuant to*  
9 *subdivision (g), notwithstanding deadlines in that subdivision that*  
10 *are earlier than the effective date of the act that added this*  
11 *subdivision. The submitted application shall include a timetable*  
12 *as required pursuant to subdivision (g).*

13 *SEC. 2. The Legislature finds and declares that a special law*  
14 *is necessary and that a general law cannot be made applicable*  
15 *within the meaning of Section 16 of Article IV of the California*  
16 *Constitution because of the special circumstances in the City of*  
17 *Tehachapi relating to access to critical health care services.*

18 *SEC. 3. This act is an urgency statute necessary for the*  
19 *immediate preservation of the public peace, health, or safety within*  
20 *the meaning of Article IV of the Constitution and shall go into*  
21 *immediate effect. The facts constituting the necessity are:*

22 *To prevent the loss of hospital licensure and Medicaid and*  
23 *Medicare funding that would lead to closure of a critical access*  
24 *hospital and a loss of access to health care in the City of*  
25 *Tehachapi, it is necessary for this act to take effect immediately.*

26 ~~SECTION 1. This act shall be known and may be cited as the~~  
27 ~~Open the Books Act of 2016.~~

28 ~~SEC. 2. Section 21204 is added to the Business and Professions~~  
29 ~~Code, to read:~~

30 ~~21204. (a) Notwithstanding Section 21201, it shall be unlawful~~  
31 ~~for any refiner, distributor, manufacturer, or transporter of motor~~  
32 ~~vehicle fuels or oils engaged in business in this state, either directly~~  
33 ~~or indirectly, to do either of the following:~~

34 ~~(1) Knowingly engage in any act, practice, or course of business,~~  
35 ~~including the making of any untrue statement of material fact, for~~  
36 ~~purposes of distorting, or attempting to distort, the market~~  
37 ~~conditions of any motor vehicle fuels or oils.~~

38 ~~(2) Intentionally fail to state a material fact that under the~~  
39 ~~circumstances renders a statement made by the refiner, distributor,~~  
40 ~~manufacturer, or transporter misleading, provided that the omission~~

~~1 distorts or is likely to distort market conditions for any motor  
2 vehicle fuels or oils.~~

~~3 (b) This section shall be liberally construed to apply to acts that,  
4 among other things, are taken for the purpose of manipulating, or  
5 attempting to manipulate, the price of motor vehicle fuels or oils,  
6 including, but not limited to, unnecessarily reducing the supply or  
7 availability of those products at a time of heightened demand.~~

~~8 (c) Any person injured by a violation of this section may bring  
9 an action for the recovery of damages pursuant to Section 21202.~~

~~10 (d) In addition to any award of damages, a violation of this  
11 section shall be punished by disgorgement of all moneys, property  
12 or property interests, and any proceeds traceable thereto, that were  
13 derived directly or indirectly from conduct prohibited by this  
14 section, or acquired or maintained directly or indirectly through  
15 conduct prohibited by this section. All moneys and proceeds from  
16 property ordered disgorged pursuant to this subdivision shall be  
17 paid by order of the court to the state and deposited into the General  
18 Fund.~~

~~19 SEC. 3.— Section 7873 of the Labor Code is repealed.~~

~~20 SEC. 4.— Section 25354 of the Public Resources Code is  
21 amended to read:~~

~~22 25354. (a) Each refiner and major marketer shall submit  
23 information each month to the commission in the form and to the  
24 extent that the commission prescribes pursuant to this section. The  
25 information shall be submitted within 30 days after the end of each  
26 monthly reporting period and shall include the following:~~

~~27 (1) (A) Refiners shall report, for each of their refineries,  
28 feedstock inputs, origin of petroleum receipts, imports of finished  
29 petroleum products and blendstocks, by type, including the source  
30 of those imports, exports of finished petroleum products and  
31 blendstocks, by type, including the destination of those exports,  
32 refinery outputs, refinery stocks, and finished product supply and  
33 distribution, including all gasoline sold unbranded by the refiner,  
34 blender, or importer.~~

~~35 (B) Refiners shall also report, for each of their refineries, the  
36 occurrence of all turnarounds within the meaning of Section 7872  
37 of the Labor Code and all unplanned shutdowns. The information  
38 reported pursuant to this paragraph shall include any changes to  
39 the information reported pursuant to Section 25355, including any~~

1 changes to the scope or duration of any turnaround or unplanned  
2 shutdown and an explanation of the cause or causes of the change.

3 ~~(2) Major marketers shall report on petroleum product receipts~~  
4 ~~and the sources of these receipts, inventories of finished petroleum~~  
5 ~~products and blendstocks, by type, distributions through branded~~  
6 ~~and unbranded distribution networks, and exports of finished~~  
7 ~~petroleum products and blendstocks, by type, from the state.~~

8 ~~(b) Each major oil producer, refiner, marketer, oil transporter,~~  
9 ~~and oil storer shall annually submit information to the commission~~  
10 ~~in the form and to the extent that the commission prescribes~~  
11 ~~pursuant to this section. The information shall be submitted within~~  
12 ~~30 days after the end of each reporting period, and shall include~~  
13 ~~the following:~~

14 ~~(1) Major oil transporters shall report on petroleum by reporting~~  
15 ~~the capacities of each major transportation system, the amount~~  
16 ~~transported by each system, and inventories thereof. The~~  
17 ~~commission may prescribe rules and regulations that exclude~~  
18 ~~pipeline and transportation modes operated entirely on property~~  
19 ~~owned by major oil transporters from the reporting requirements~~  
20 ~~of this section if the data or information is not needed to fulfill the~~  
21 ~~purposes of this chapter. The provision of the information shall~~  
22 ~~not be construed to increase or decrease any authority the Public~~  
23 ~~Utilities Commission may otherwise have.~~

24 ~~(2) Major oil storers shall report on storage capacity, inventories,~~  
25 ~~receipts and distributions, and methods of transportation of receipts~~  
26 ~~and distributions.~~

27 ~~(3) Major oil producers shall, with respect to thermally enhanced~~  
28 ~~oil recovery operations, report annually by designated oil field,~~  
29 ~~the monthly use, as fuel, of crude oil and natural gas.~~

30 ~~(4) Refiners shall report on facility capacity, and utilization and~~  
31 ~~method of transportation of refinery receipts and distributions.~~

32 ~~(5) Major oil marketers shall report on facility capacity and~~  
33 ~~methods of transportation of receipts and distributions.~~

34 ~~(c) Each person required to report pursuant to subdivision (a)~~  
35 ~~shall submit a projection each month of the information to be~~  
36 ~~submitted pursuant to subdivision (a) for the quarter following the~~  
37 ~~month in which the information is submitted to the commission.~~

38 ~~(d) In addition to the data required under subdivision (a), each~~  
39 ~~integrated oil refiner (produces, refines, transports, and markets~~  
40 ~~in interstate commerce) who supplies more than 500 branded retail~~

~~1 outlets in California shall submit to the commission an annual  
2 industry forecast for Petroleum Administration for Defense, District  
3 V (covering Arizona, Nevada, Washington, Oregon, California,  
4 Alaska, and Hawaii). The forecast shall include the information  
5 to be submitted under subdivision (a), and shall be submitted by  
6 March 15 of each year. The commission may require  
7 California-specific forecasts. However, those forecasts shall be  
8 required only if the commission finds them necessary to carry out  
9 its responsibilities.~~

~~10 (e) The commission may by order or regulation modify the  
11 reporting period as to any individual item of information setting  
12 forth in the order or regulation its reason for so doing.~~

~~13 (f) The commission may request additional information as  
14 necessary to perform its responsibilities under this chapter.~~

~~15 (g) Any person required to submit information or data under  
16 this chapter, instead, may submit a report made to any other  
17 governmental agency, if:~~

~~18 (1) The alternate report contains all of the information or data  
19 required by specific request under this chapter.~~

~~20 (2) The person clearly identifies the specific request to which  
21 the alternate report is responsive.~~

~~22 (h) Each refiner shall submit to the commission, within 30 days  
23 after the end of each monthly reporting period, all of the following  
24 information in the form and to the extent that the commission  
25 prescribes:~~

~~26 (1) Daily prices and sales volumes at all locations in California  
27 for finished leaded regular, unleaded regular, and premium motor  
28 gasoline sold through company-operated retail outlets, to other  
29 end-users, and to wholesale customers, including, but not limited  
30 to, the dealer tank wagon price or rack zone pricing.~~

~~31 (2) Daily prices and sales volumes at all locations in California  
32 for residential sales, commercial and institutional sales, industrial  
33 sales, sales through company-operated retail outlets, sales to other  
34 end-users, and wholesale sales of No. 2 diesel fuel and No. 2 fuel  
35 oil.~~

~~36 (3) Daily prices and sales volumes at all locations in California  
37 for retail sales and wholesale sales of No. 1 distillate, kerosene,  
38 finished aviation gasoline, kerosene-type jet fuel, No. 4 fuel oil,  
39 residual fuel oil with 1 percent or less sulfur, residual fuel oil with  
40 greater than 1 percent sulfur and consumer grade propane.~~



1     ~~(i) (1) An oil refiner, oil producer, petroleum product~~  
2 ~~transporter, petroleum product marketer, petroleum product~~  
3 ~~pipeline operator, and terminal operator, as designated by the~~  
4 ~~commission, shall submit a weekly report in the form and extent~~  
5 ~~as the commission prescribes pursuant to this section. The~~  
6 ~~commission may determine the form and extent necessary by order~~  
7 ~~or by regulation.~~

8     ~~(2) A report may include any of the following information:~~

9     ~~(A) Receipts and inventory levels of crude oil and petroleum~~  
10 ~~products at each refinery and terminal location.~~

11     ~~(B) Amount of gasoline, diesel, jet fuel, blending components,~~  
12 ~~and other petroleum products imported and exported.~~

13     ~~(C) Amount of gasoline, diesel, jet fuel, blending components,~~  
14 ~~and other petroleum products transported intrastate by marine~~  
15 ~~vessel.~~

16     ~~(D) Amount of crude oil imported, including information~~  
17 ~~identifying the source of the crude oil.~~

18     ~~(E) The regional average of invoiced retailer buying price. This~~  
19 ~~subparagraph does not either preclude or augment the current~~  
20 ~~authority of the commission to collect additional data under~~  
21 ~~subdivision (f).~~

22     ~~(3) This subdivision is intended to clarify the commission's~~  
23 ~~existing authority under subdivision (f) to collect specific~~  
24 ~~information. This subdivision does not either preclude or augment~~  
25 ~~the existing authority of the commission to collect information.~~

26     ~~(j) Notwithstanding Section 25364 or any other law, information~~  
27 ~~reported under subparagraph (B) of paragraph (1) of subdivision~~  
28 ~~(a) or under subdivision (h) shall be subject to public disclosure~~  
29 ~~within 24 hours of receipt by the commission.~~

30     ~~SEC. 5. Section 25355 is added to the Public Resources Code,~~  
31 ~~to read:~~

32     ~~25355. (a) On or before January 1, 2017, and on or before~~  
33 ~~January 1 annually thereafter, a refiner shall submit to the~~  
34 ~~commission information on both of the following in the form and~~  
35 ~~to the extent that the commission prescribes:~~

36     ~~(1) A full schedule of all planned turnarounds for all refinery~~  
37 ~~process units or plants for the following calendar year and a~~  
38 ~~description of the scope and expected duration of each turnaround.~~

39     ~~(2) The amount of gasoline inventory anticipated in advance of~~  
40 ~~each planned turnaround at each refinery process unit or plant.~~

~~(b) A refiner shall report to the commission within 24 hours of any turnaround not previously disclosed under subdivision (a) or any unplanned shutdown that occurs in a refinery process unit or plant. The report shall be in the form that the commission prescribes and shall include a description of the refinery process unit or plant involved in the shutdown, the expected duration of the shutdown, and the reasons for the shutdown. The report shall be signed under penalty of perjury by an officer or director of the entity that owns the refinery.~~

~~(c) For purposes of this section, “turnaround” has the same meaning as defined in Section 7872 of the Labor Code.~~

~~(d) Notwithstanding any other law, information reported under this section shall be subject to public disclosure within 24 hours of receipt by the commission.~~

~~SEC. 6. Section 25359 is added to the Public Resources Code, to read:~~

~~25359. (a) Notwithstanding any law, each refiner shall report to the commission, within seven days of the refiner’s most recent quarterly report to shareholders, in the form and to the extent the commission prescribes, the amount of profits the refiner generated from the operations of its refineries operating in this state during the period covered by the quarterly report to shareholders.~~

~~(b) Notwithstanding any other law, each refiner shall report to the commission, within seven days of each annual report by the refiner to shareholders, in the form and to the extent the commission prescribes, the amount of taxes the refiner paid to this state in the most recent tax year.~~

~~(c) Notwithstanding any other law, information reported under this section shall be subject to public disclosure within 24 hours of receipt by the commission.~~

~~SEC. 7. Section 25360 is added to the Public Resources Code, to read:~~

~~25360. (a) Notwithstanding any law, each refiner and major marketer shall report to the commission information regarding all purchases, sales, or exchanges of petroleum products measuring 2,500 barrels or above in this state within 24 hours of each transaction. For each transaction of this type, the refiner or major marketer shall submit to the commission all of the following information in the form and to the extent that the commission prescribes:~~

1 ~~(1) The type of product traded.~~

2 ~~(2) All parties involved in the transaction.~~

3 ~~(3) The location of the product at the time of transaction.~~

4 ~~(4) The terms of the transaction.~~

5 ~~(5) The means of transportation.~~

6 ~~(b) Notwithstanding any other law, information reported under~~  
7 ~~this section shall be subject to public disclosure within 24 hours~~  
8 ~~of receipt by the commission.~~

9 ~~(c) For purposes of this section, and notwithstanding Section~~  
10 ~~25126, "major marketer" means a person who sells at least 2,500~~  
11 ~~barrels of oil per calendar year, or a person who sells an amount~~  
12 ~~less than 2,500 barrels of oil per calendar year that the commission~~  
13 ~~determines has a major effect on energy supplies.~~

14 ~~SEC. 8. Section 25361 is added to the Public Resources Code,~~  
15 ~~to read:~~

16 ~~25361. (a) Notwithstanding Section 25364 or any other law,~~  
17 ~~the commission shall publish on its Internet Web site the~~  
18 ~~information submitted pursuant to subparagraph (B) of paragraph~~  
19 ~~(1) of subdivision (a) of Section 25354, and Sections 25355, 25359,~~  
20 ~~and 25360.~~

21 ~~(b) The commission shall publish on its Internet Web site on a~~  
22 ~~monthly basis both of the following:~~

23 ~~(1) Aggregated information on gasoline exports, including the~~  
24 ~~destination of those exports.~~

25 ~~(2) Information submitted pursuant to subdivision (h) of Section~~  
26 ~~25354 in the aggregate and in detail by refinery.~~

27 ~~(c) On the date of a planned turnaround, the commission shall~~  
28 ~~verify that a refiner has the amount of gasoline inventory that was~~  
29 ~~reported pursuant to paragraph (2) of subdivision (a) of Section~~  
30 ~~25355. The commission shall report any discrepancy between the~~  
31 ~~reported amount and actual amount of gasoline inventory to the~~  
32 ~~Attorney General and to the Legislature.~~

33 ~~(d) The commission may charge and collect from refiners a~~  
34 ~~reasonable fee to cover the cost of performing its duties required~~  
35 ~~by this section. Moneys received by the commission pursuant to~~  
36 ~~this subdivision shall be deposited in the Energy Resources~~  
37 ~~Programs Account and, notwithstanding Section 13340 of the~~  
38 ~~Government Code, are continuously appropriated for expenditure~~  
39 ~~by the commission for purposes of performing those duties.~~

1     ~~SEC. 9.~~ Section 25367 is added to the Public Resources Code,  
2     to read:

3     ~~25367. (a) Commencing on January 1, 2017, and each year~~  
4     ~~thereafter, every refiner shall submit an annual inventory supply~~  
5     ~~plan to the commission for review and approval. The plan shall~~  
6     ~~be in the form and contain the information required by the~~  
7     ~~commission and, at a minimum, shall include all of the following:~~

8     ~~(1) A description of how the refiner will ensure a sufficient~~  
9     ~~inventory to meet anticipated demand, based on the previous year's~~  
10    ~~consumption, including through reserves, imports, trades, or other~~  
11    ~~arrangements that will allow the necessary supply to come to~~  
12    ~~market.~~

13    ~~(2) The minimum working inventory the refiner plans to keep~~  
14    ~~on hand, averaged on a monthly basis for each month of the year,~~  
15    ~~which will comport with demand projection and production~~  
16    ~~schedules.~~

17    ~~(3) A crisis plan detailing the refiner's planned response for~~  
18    ~~dealing with unplanned outages at each of its refineries, and~~  
19    ~~including a contingency production, import, strategic inventory,~~  
20    ~~or trading plan to ensure adequate supplies to meet monthly~~  
21    ~~demand.~~

22    ~~(b) The commission shall only approve a refiner's inventory~~  
23    ~~supply plan if the commission is satisfied that the plan sets forth~~  
24    ~~sufficient arrangements to ensure a sufficient inventory to meet~~  
25    ~~annual demand. The commission may, at any time, require a refiner~~  
26    ~~to revise its inventory supply plan or maintenance schedule if the~~  
27    ~~commission determines that the contents of the plan or schedule~~  
28    ~~do not provide adequate arrangements to ensure a sufficient~~  
29    ~~inventory or production to meet demand.~~

30    ~~(c) The commission shall, upon notice and hearing consistent~~  
31    ~~with due process, impose an administrative fine on a refiner that~~  
32    ~~fails to submit and obtain approval of an inventory supply plan as~~  
33    ~~required by this section, fails to revise an inventory supply plan~~  
34    ~~as directed by the commission, or fails to follow its approved plan.~~  
35    ~~The amount of the administrative fine shall be not less than fifty~~  
36    ~~thousand dollars (\$50,000) and not more than one million dollars~~  
37    ~~(\$1,000,000) per day during which the refiner operates without an~~  
38    ~~approved inventory supply plan or does not follow its approved~~  
39    ~~plan. In assessing the fine, the commission shall take into account~~  
40    ~~the intentionality and severity of the refiner's action.~~

1     ~~(d) The inventory supply plan submitted pursuant to subdivision~~  
2     ~~(a) shall be signed under penalty of perjury by an officer or director~~  
3     ~~of the entity that owns the refiner.~~

4     ~~(e) Notwithstanding any other law, information reported under~~  
5     ~~this section shall be subject to public disclosure within 24 hours~~  
6     ~~of receipt by the commission.~~

7     ~~SEC. 10. — The provisions of this act are severable. If any~~  
8     ~~provision of this act or its application is held invalid, that invalidity~~  
9     ~~shall not affect other provisions or applications that can be given~~  
10    ~~effect without the invalid provision or application.~~

11    ~~SEC. 11. — No reimbursement is required by this act pursuant~~  
12    ~~to Section 6 of Article XIII B of the California Constitution because~~  
13    ~~the only costs that may be incurred by a local agency or school~~  
14    ~~district will be incurred because this act creates a new crime or~~  
15    ~~infraction, eliminates a crime or infraction, or changes the penalty~~  
16    ~~for a crime or infraction, within the meaning of Section 17556 of~~  
17    ~~the Government Code, or changes the definition of a crime within~~  
18    ~~the meaning of Section 6 of Article XIII B of the California~~  
19    ~~Constitution.~~

20    ~~SEC. 12. — This act is an urgency statute necessary for the~~  
21    ~~immediate preservation of the public peace, health, or safety within~~  
22    ~~the meaning of Article IV of the Constitution and shall go into~~  
23    ~~immediate effect. The facts constituting the necessity are:~~

24    ~~In order to provide consumers transparency at a time when oil~~  
25    ~~prices are at an historic low and the difference between those prices~~  
26    ~~and gas prices is at an historic high, it is necessary that this act~~  
27    ~~take effect immediately.~~